

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

WILLIE BRUCE BRYANT, }
Plaintiff, } CIVIL ACTION NO.
v. } 11-AR-0461-S
AVERITT EXPRESS, INC., }
Defendant. }

MEMORANDUM OPINION

On March 28, 2011, this court entered an order requiring plaintiff, Willie Bruce Bryant ("Bryant"), to respond to the motion to dismiss or in the alternative motion for summary judgment filed by defendant, Averitt Express, Inc. ("Averitt"). After extensions were granted, the deadline for Bryant to respond was April 14, 2011, and the deadline for Averitt to respond was April 29, 2011.

On March 31, 2011, Bryant filed what he styled "Plaintiff's Response to Defendant's Answer". This paper is hardly responsive to Averitt's motion, but it was treated by the court as such. April 29, 2011, the deadline for Averitt to respond, has passed. Understandably, Averitt did not respond to Bryant, because there was nothing requiring a response. The pertinent facts were undisputed.

Without repeating the undisputed facts contained in Averitt's motion for summary judgment, they are hereby ADOPTED by the court. There is no escaping the bar of *res judicata* and claim preclusion occasioned by the prior proceedings in the United States District

Court for the Northern District of Georgia, Atlanta Division, Civil Action No. 08-2713-ODE-JFK. All issues which Bryant attempts to bring to this court either were adjudicated in the Georgia case, or could have been adjudicated there.

DONE this 2nd day of May, 2011.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE